IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 5TH NOVEMBER 2007 / 14TH KARTHIKA 1929

WP(C).No. 32746 of 2007(W)

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PETITIONER:

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JOSEPH PUNNEN @ BABU, AGED 62 YEARS,
S/O.LATE JOSEPH, KANIYAMTHARA CHERUKARA BUNGLOW
(VADAKKEPARAMBIL), MEPRAL MURI, PERINGARA VILLAGE,
THIRUVALLA TALUK.

BY ADV. SRI.P.HARIDAS

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
DISTRICTL COLLECTOR, PATHANAMTHITTA.

2. PERINGARA GRAMA PANCHAYAT,
REPRESENTED BY ITS SECRETARY, PERINGARA P.O.

3. HEADMISTRESS, ST.JOHNS GOVT.L.P.SCHOOL,
MEPRAL P.O., MEPRAL MURI, PERINGARA VILLAGE,
THIRUVALLA TALUK.

4. PANCHAYATH COMMITTEE, PERINGARA GRAMA
PANCHAYATH.

R1 BY ADV. SRI.K.J.MOHAMMED ANZAR, SR. GOVT. PLEADER.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 05/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**PIUS C. KURIAKOSE, J.**

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W.P.(C) No. 32746 OF 2007

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Dated this the 5th day of November, 2007

**JUDGMENT**

The petitioner preferred Ext.P5 appeal before the committee of the 2nd respondent Panchayat assailing Ext.P3 notice issued by the Secretary. One of the grievances is that Ext.P3 is being implemented even as Ext.P5 is pending.

2. Heard Sri.P.Haridas, counsel for the petitioner and Sri.K.J.Mohammed Anzar, Government Pleader who has taken notice on behalf of the 1st respondent. In the nature of the orders which are being passed hereunder, I am of the view that it is not necessary that notice be issued to the Panchayat or to other respondents. Sri.P.Haridas submits that the petitioner has already approached the Civil Court and has filed application for temporary injunction. The Civil Court appointed an advocate commissioner for local inspection and it is on account of the delay in filing of the commissioner's report that the Civil Court could not dispose of the application for temporary injunction.

I do not propose to go into the merits of the matter. Since Ext.P5 is a statutory appeal and the same is seen pending before the committee of the Panchayat, the Writ Petition will stand disposed of issuing the following directions:

The council of the Panchayat will take up Ext.P5 and dispose of the same in accordance with law, at the earliest and at any rate, within one month of receiving copy of this judgment. The petitioner will be given a hearing opportunity by the council and it is open to the petitioner to bring to the notice of the committee that a civil suit is pending. Petitioner can take advantage of the commission report, if any filed, before the Civil Court in the matter of Ext.P5. The status quo as obtaining today will be maintained by the petitioner and the Panchayat for one more month from today, considering the above directions.

**PIUS C. KURIAKOSE, JUDGE**

btt